

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

TAREK J. HELOU (CABN 218225)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7071
Facsimile: (415) 436-7234
Tarek.J.Helou@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-0711 MMC
)	
Plaintiff,)	DECLARATION OF TAREK J. HELOU IN
)	SUPPORT OF PROPOSED ORDER
v.)	SEALING DOCUMENTS FILED IN
)	SUPPORT OF DEFENDANT'S MOTION
OSCAR ROMERO-ROMERO, JR.,)	TO DISMISS THE INDICTMENT
)	
Defendant.)	Hearing Date: August 27, 2008
)	Time: 2:30 p.m.
)	Judge: The Hon. Maxine M. Chesney

1 I, Tarek J. Helou, declare as follows:

2 1. I am an Assistant United States Attorney in the Northern District of California. I
3 am counsel of record for the United States in the above-captioned case, *United States v. Oscar*
4 *Romero-Romero, Jr.*, case number CR-07-711 (MMC).

5 2. On June 11, 2008, the defendant filed his Motion to Dismiss the Indictment. The
6 defendant filed several exhibits supporting his motion; four of them under seal. (*See* Decl. Jodi
7 Linker Supp. Mot. Dismiss, Exs. A-D (the “Sealed Exhibits”).) The defendant filed the Sealed
8 Exhibits under seal because the Court issued a protective order requiring that certain documents
9 (“Confidential Documents”), including the Sealed Exhibits, be filed under seal if the parties used
10 them during this litigation. (*Id.*, ¶ 3; June 11, 2008 Prot. Order (docket entry # 19).)

11 3. The parties had jointly requested a protective order governing use of the
12 Confidential Documents after the government objected to public disclosure of them because they
13 contained confidential information about individuals other than the defendant. (*See* June 10,
14 2008 Stip. & [PROPOSED] Prot. Order (docket entry # 18).)

15 4. Although the government produced the Confidential Documents to the defendant
16 during this litigation, the government wanted to ensure that the Confidential Documents were not
17 filed publicly because they are the A-Files of the defendants’ parents. The Confidential
18 Documents, including the Sealed Exhibits, contain personal, confidential information about
19 people who are not parties to this litigation, as described below. Therefore, there is no public
20 interest in disclosure of any information in those documents, but the individuals whose A-Files
21 constitute the Confidential Documents have a strong interest in keeping those personal,
22 confidential documents out of the public record.

23 5. Exhibit A to the Linker Declaration is a document from the A-File of Oscar
24 Romero-Ventura, the defendant’s father. Oscar Romero-Ventura’s A-File is a government file
25 that is not publicly available. Oscar Romero-Ventura is not a party to this litigation. Exhibit A
26 to the Linker Declaration is a government document that is not publicly available because it
27 contains personal, confidential information related to Oscar Romero-Ventura’s immigration
28 status.

